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S E C R E T SECTION 01 OF 02 BERN 000504

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TAGS: [PREL](#) [PHUM](#) [AORC](#) [LY](#) [SZ](#)
SUBJECT: SWITZERLAND OPTING FOR PRESSURE (VICE FURTHER
NEGOTIATIONS) IN DEALING WITH LIBYA

REF: A. TRIPOLI 910, B. STATE 117546, C. TRIPOLI 901,
[D](#). TRIPOLI 900, E. TRIPOLI 832, F. TRIPOLI 763,
[G](#). BERN 387, H. BERN 351

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Classified By: DCM Leigh G. Carter; reasons 1.4(b) and (d).

[1](#)1. (S/NF) Summary: The Swiss government is opting for pressure -- rather than further negotiations -- in efforts to obtain the freedom of the two Swiss citizens who have not been allowed to depart Libya since the summer of 2008 (reftels). According to Ambassador Jacques Pitteloud (strictly protect), Head of the Political Secretariat (Security Policy Division) of the Federal Department of Foreign Affairs (FDFA), the Libyans have not held up their part of the August 20 Swiss-Libyan bilateral agreement. The Swiss government therefore has turned to pressure tactics -- above all, using Switzerland's membership in the Schengen Area to place visa restrictions on select Libyan government officials and elites. Pitteloud told DCM November 18 that the Swiss government is very grateful for U.S. assistance in the matter, noting that the USG thus far was the only country that had provided Switzerland with such help. DCM reiterated the importance of the USG assistance remaining confidential, in order to be effective.

[1](#)2. (S/NF) Summary (continued): Asking that the USG treat this information very confidentially, Pitteloud said that the GoS had decided to file a complaint at the International Court of Justice (ICJ) against Libya for "hostage taking." Pitteloud said that he expected that the plight of the two Swiss increasingly would be addressed and publicized by such organizations as Amnesty International and Human Rights Watch. Separately, Pitteloud said that the GoS had confirmed that the Libyans had released last month from custody the Moroccan brother of one of the domestic servants Hannibal Gaddafi is believed to have assaulted in the July 2008 incident in Geneva. End Summary.

SWISS USING SCHENGEN

[1](#)3. (S/NF) In a November 18 meeting with DCM, Ambassador Jacques Pitteloud (strictly protect), Head of the Political Secretariat (Security Policy Division) of the Federal Department of Foreign Affairs (FDFA), emphasized that the Swiss government was opting for pressure -- rather than further negotiations -- in efforts to obtain the freedom of the two Swiss citizens who have not been allowed so depart

Libya since the summer of 2008 (reftels). Pitteloud said that it was not possible for Switzerland to go further than Swiss President Merz did during his August 20 visit to Tripoli, when Merz issued a public apology for what he termed the "inappropriate and unnecessary" arrest of Hannibal Gaddafi, son of Libyan leader Muammar Gaddafi, in Geneva in July 2008 (reftel H).

¶4. (S/NF) The Libyans, Pitteloud said, had not held up their part of the August 20 bilateral agreement. The Swiss government therefore had turned to pressure tactics -- above all, using Switzerland's membership in the Schengen Area to place select Libyan government officials and elites on a "watch list" and thereby prevent them from obtaining Schengen visas. Pitteloud commented that this approach was not appreciated by some Schengen member countries, but shrugged off such concerns, asserting that Switzerland had approached other European countries for assistance early in the crisis with Libya, but none of the Europeans had stepped up to assist the Swiss ("now they have no choice, since we are a member of Schengen").

GRATEFUL FOR USG ASSISTANCE

¶5. (S/NF) Pitteloud said that the Swiss government was very grateful for U.S. assistance in the matter, noting that the USG thus far was the only country that had provided Switzerland with such help. DCM observed that Switzerland often has provided vital assistance to U.S. citizens detained in Iran (reftel G). She reiterated the importance of the USG assistance remaining confidential, in order to be effective. (Comment: Post greatly appreciates Embassy Tripoli's deft engagement and excellent reporting on this topic. End Comment)

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NEXT STEP - ICJ

¶6. (S/NF) Asking that the USG treat this information very confidentially, Pitteloud said that the GoS had decided to file a complaint at the International Court of Justice (ICJ) against Libya for "hostage taking." He said that the Swiss government assessed this as an option after Libya held the two Swiss citizens in isolation at an unknown location from September 19 to November 9. Pitteloud said that an ICJ complaint was another way that Switzerland intended to increase the pressure on Libya.

INCREASED NGO SCRUTINY ANTICIPATED

¶7. (S/NF) Looking ahead, Pitteloud said it was difficult to anticipate how the Libyans would react to the Swiss approach. He said that, "if they were rational actors," the Libyans would allow the two Swiss to depart Libya by the end of the year, before international human rights NGOs such as Amnesty International (AI) and Human Rights Watch (HRW) issue their annual reports. Pitteloud said that he expected that the plight of the two Swiss increasingly would be addressed and publicized by such organizations as AI and HRW.

BROTHER OF ASSAULT VICTIM RELEASED

¶8. (S/NF) Separately, Pitteloud said that the GoS had confirmed that the Libyans had released last month from custody the Moroccan brother of one of the domestic servants Hannibal Gaddafi is believed to have assaulted in the July 2008 incident in Geneva. According to Pitteloud, the brother

is in Morocco where he is maintaining a very low profile, presumably to avoid further Libyan reprisals.

19. (U) Minimize considered.

BEYER